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December 22, 2003

**T.R.A. DOCKET ROOM**

Honorable Deborah Taylor Tate, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

In Re: Implementation of the Federal Communications Commission's Triennial  
Review Order (Nine-month Proceeding) (Switching)  
Docket No. 03-00491

Dear Chairman Tate:

Enclosed please find the original plus fourteen (14) copies of MCImetro Access  
Transmission Services, Inc. and Brooks Fiber Communications of Tennessee, Inc. (collectively  
"MCI") Reply to BellSouth's Response to Motion to Compel in the above-referenced docket.

Copies have been served on all parties of record.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

Jon E. Hastings

JEH/th

Enclosures

LAW OFFICES

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058100-059 12/22/2003

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**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**IN RE:**

<b>Implementation of the Federal</b>	)	
<b>Communication's Commission's</b>	)	<b>DOCKET NO.</b>
<b>Triennial Review Order – 9 MONTH</b>	)	<b>03-00491</b>
<b>PROCEEDING – SWITCHING</b>	)	

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**MCI'S REPLY TO BELL SOUTH'S RESPONSE TO MOTION TO COMPEL**

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MCImetro Access Transmission Services, LLC and Brooks Fiber Communications of Tennessee, Inc. (collectively, "MCI") hereby reply to the Response of BellSouth Telecommunications, Inc. ("BellSouth") to MCI's Motion to Compel. Given the prescriptions of the scheduling order, as amended, this reply is submitted only to correct the "Statement of the Facts" that BellSouth has included in its Response.

BellSouth's objections to MCI's discovery requests were filed November 6, 2003. On November 24, 2003 BellSouth filed its initial responses. In several instances BellSouth stated it would file supplemental responses on December 4, 2003. After receiving the supplemental responses on that date and reviewing them, MCI sent BellSouth an email on December 9<sup>th</sup> that began:

Before filing (in TN and perhaps elsewhere) a motion to compel answers to MCI's interrogatories, *particularly those (not listed here) to which BellSouth objects without providing a substantive response*, we want to determine if there are some interrogatories, at least, to which BST could supplement its responses.

(Emphasis added.) MCI then conferred with BellSouth about the discovery requests to which the latter had objected but to which it had *also* responded substantively (although, in MCI's opinion, not appropriately or fully). BellSouth and MCI were able to resolve their differences to all but three of these discovery requests (Nos. 12, 28 and 125).

On December 11<sup>th</sup> MCI, by email to BellSouth a) reminded BellSouth of the remaining discovery requests – i.e., those objected to but not responded to substantively by BellSouth, b) listed those requests, c) stated that some of these could be withdrawn by MCI (because, for example, they pertained to loop/transport issues), and d) stated that MCI still intended to file a motion to compel. When BellSouth on December 12th said it was “disappointed and surprised” by MCI’s email, MCI sent BellSouth emails that stated that MCI was not confident the Authority (given prior amendments to the schedule) would grant an extension of time to file a motion to compel, that it appeared that the parties, given BellSouth’s objections, were in a “standoff,” but that nothing precluded the parties from continuing to talk, and that asked whether BellSouth would be willing to answer all or parts of the data requests to which it had simply objected.

To this date, despite having received (with MCI’s consent) an extension of time to file a response to the motion to compel, BellSouth has never indicated that it *would* provide substantive responses to the data requests that are the subject of MCI’s Motion, other than to Request Nos. 143, 144, 149 and 150.

Respectfully submitted,

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### CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2003, a copy of the foregoing document was served on the parties of record, via electronically, US mail or hand delivery:

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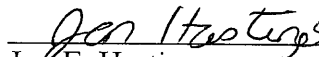
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